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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,838	03/31/2004	Clark D. Jeffries	RPS920020031US1	6479
47052	7590	10/03/2007	EXAMINER	
SAWYER LAW GROUP LLP			CLOUD, JOIYA M	
PO BOX 51418				
PALO ALTO, CA 94303			ART UNIT	PAPER NUMBER
			2144	
			NOTIFICATION DATE	DELIVERY MODE
			10/03/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com
nikia@sawyerlawgroup.com

Office Action Summary

Application No.

10/814,838

Applicant(s)

JEFFRIES ET AL.

Examiner

Joiya M. Cloud

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/31/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on March 31, 2004. Claims 1-24 represent Method and system for controlling dataflow to a central system from distributed systems.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-24** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding exemplary claim 1, the claim recites the limitations "fast storage." As per Applicant's instant specification, paragraph [0017], a fast storage is exemplary of a fast quere or such "fast memory that is relatively small and generally more expensive to manufacture." Examiner submits that this exemplification is not an explicit definition and furthermore, Examiner is not reasonably apprised to determine the requisite degree of what is considered "fast" for memory. If Applicant wishes to have fast memory limited to certain types of memory, Applicant should amend the instant claim to explicitly limit what is to be considered a "fast memory."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-24**, are rejected under 35 U.S.C. 102(e) as being anticipated by **(Choa et al. US Pub. No. 2005/0002334 A1, hereinafter CHOA)**

As per claim 1, CHOA teaches method for controlling a plurality of pipes in a computer system including at least one central system, the plurality of pipes providing traffic from a plurality of distributed systems, the method comprising:

(a) providing a first plurality of data packets from a pipe of the plurality of pipes to a fast path or a slow path during a time interval such that none of the first plurality of data packets is dropped (**Abstract, paragraphs [0028],[0038] and [0025], Figure 4, item 450 and paragraph [0161]-lines 20-29, where a less congested path can be selected for the flow of packets**), the first plurality of data packets arriving in a time interval, the fast path including a fast storage and the slow path including a bulk storage (**Abstract, Figure 4, item 450, paragraphs [0161], with packets arriving at separate queues, paragraphs [0033] and [0041]**);

(b) providing a second plurality of data packets from the fast storage or the bulk storage to the central system during the time interval such that each of the second plurality of data packets is provided to the central system in a first in first out order (**paragraphs [0172]-[0173], where packets are output in FIFO order to maintain packet sequence**).

As per claim 2, CHOA teaches a method wherein the providing step (a) further includes:

(a1) providing the first plurality of packets to the slow path if the occupation of the fast storage for the pipe is above the threshold (**paragraphs [0161] and [0164], threshold of the congestion flag**); (a2) providing the first plurality of packets to the fast path if the occupation of the fast storage for the pipe is not above the threshold and a portion of the bulk storage for the pipe is empty (**paragraphs [0161] and [0164]**); (a3) providing the first plurality of packets to the slow path if the occupation of the fast storage for the pipe is not above the threshold, if the portions of the bulk storage for the pipe is not empty, and if the first plurality of packets for the pipe for a previous time interval were provided to the slow path (**paragraphs [0161] and [0164]**); (a4) providing the first plurality of packets to the fast path if the occupation of the fast storage for the pipe is not above the threshold, if the portion of the bulk storage for the pipe is not empty, and if the first plurality of packets for the pipe for a previous time interval were not provided to the slow path (**paragraphs [0161] and [0164]**).

As per claim 3, CHOA teaches a method wherein the providing step (a1) further includes: (a1i) determining whether an occupation of the fast storage for the pipe is above a threshold (**paragraphs [0161] and [0164]**).

As per claim 4, CHOA teaches a method wherein the providing step (a1) further includes: (a1ii) setting a transmission signal for the pipe to a zero, a one for the transmission signal indicating that the first plurality of packets are to be provided to the fast path, the zero for the transmission signal indicating that the first plurality of packets are to be provided to the slow path (**paragraphs [0161] and [0164]**).

As per claim 5, CHOA teaches a method wherein the providing step (a2) further includes: (a2i) if the occupation of the fast storage for the pipe is not above the threshold, determining whether the bulk storage contains a data packet for the pipe (**paragraphs [0161] and [0164]**).

As per claim 6, CHOA method of claim 5 wherein the providing step (a2) further includes: (a2ii) setting a transmission signal for the pipe to a one, the one for the transmission signal indicating that the first plurality of packets are to be provided to the fast path, a zero for the transmission signal indicating that the first plurality of packets are to be provided to the slow path (**paragraphs [0161] and [0164]**).

As per claim 7, CHOA a method wherein the providing step (a3) further includes: (a3i) if the occupation of the fast storage for the pipe is not above the threshold and if the portion of the bulk storage for the pipe is not empty, determining whether the first plurality of packets for the pipe for the previous time interval were provided to the slow path.

As per claim 8, CHOA teaches a method wherein the providing step (a3) further includes: (a3ii) setting a transmission signal for the pipe to a zero, a one for the transmission signal indicating that the first plurality of packets are to be provided to the fast path, the zero for

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the transmission signal indicating that the first plurality of packets are to be provided to the slow path (paragraphs [0161], [0164], and [0165]).

As per claim 9, CHOA teaches a method wherein the time interval is proportional to a storage capacity of the fast path for the pipe divided by a maximum possible arrival rate for the pipe (paragraph [0157]).

As per claims 10 and 11, CHOA teaches a method wherein the time interval is one eighth of the storage capacity of the fast path for the pipe divided by the maximum possible arrival rate for the pipe and wherein the time interval is not more than one half of the storage capacity of the fast path for the pipe divided by the maximum possible arrival rate for the pipe (paragraphs [0020] and [0025]).

As per claim 12, claim 12 is substantially the same as claim 11 and thus is rejected using the same rationale.

As per claim 13, CHOA teaches a method further comprising: (c) performing steps (a) and (b) for each of the plurality of pipes.

As per claim 14, the rejection for claim 1 applies equally as well.

As per claims 15-16, claims 15-16 are substantially the same as claims 1-2 but in computer-readable medium form rather than method form. Therefore the rejection for claims 1-2 applies equally as well to claim 15-16.

As per claim 17, claim 17 is substantially the same as claim 1 and thus is rejected using similar rationale. Furthermore, regarding a flow regulator (**paragraph [0011], 116**).

As per claim 18, CHOA teaches a system wherein the flow regulator includes at least one network processor (**paragraph [0011]**).

As per claim 19, claim 19 is substantially the same as claim 2 but in system form rather than method form. Therefore the rejection for claim 2 applies equally as well to claim 19.

As per claim 20, CHOA teaches a system wherein the flow regulator provides the first plurality of data packets to the fast path by setting a transmission signal for the pipe to a one and to the slow path by setting the transmission signal for the pipe to a zero (**paragraphs [0164] and [0165]**).

As per claims 21-22, CHOA teaches a system wherein the time interval is proportional to a storage capacity of the fast path for the pipe divided by a maximum possible arrival rate for the pipe and wherein the time interval is one eighth of the storage capacity of the fast path for the pipe divided by the maximum possible arrival rate for the pipe (**paragraphs [0020] and [0025]**).

As per claim 23, claim 23 is substantially the same as claim 12 and thus rejected using similar rationale.

As per claim 24, substantially the same as claim 14 but in system form rather than method form. Therefore the rejection for claim 14 applies equally as well to claim 24.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

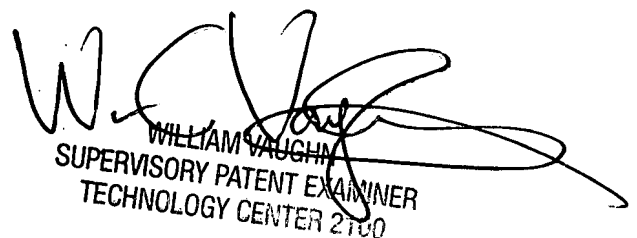
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

William C. Vaughn

Supervisory Patent Examiner

September 17, 2007


WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100